

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TNT AMUSEMENTS, INC., d/b/a)	
PLAY-MOR COIN-OP,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23-cv-00330-JAR
)	
TORCH ELECTRONICS, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR RECONSIDERATION

Pursuant to Federal Rule of Civil Procedure 59(e), Defendants respectfully move the Court to reconsider or modify the Court's March 28, 2025, Memorandum and Order (Doc. 312) ("Order") on the following issues:

1. The Order failed to state and apply the correct standard established by the Eighth Circuit for an actionable "factual claim" under the Lanham Act.
2. The Order contains reasoning and conclusions with respect to Plaintiff's Lanham Act claims that are inconsistent with the Order's subsequent analysis related to the Court's denial of Plaintiff's request for declaratory relief.
3. Alternatively, to the extent the Court allows any false advertising claims to survive summary judgment, the Order should be amended to dismiss Plaintiff's claims against Defendants Steven Miltenberger and Sondra Miltenberger.

Defendants respectfully request the Court enter judgment against Plaintiff on Plaintiff's two remaining claims, both for unfair competition. In the alternative, Defendants respectfully request the Court dismiss Defendants Steven Miltenberger and Sondra Miltenberger from this action because they are not proper defendants to the unfair competition counts. In support of this motion, Defendants incorporate their contemporaneously filed Memorandum in Support.

WHEREFORE, Defendants Torch Electronics, LLC, Steven Miltenberger, and Sondra Miltenberger respectfully move the Court to reconsider the Court's March 28, 2025, Memorandum

and Order (Doc. 312) and enter judgment in Defendants' favor and against Plaintiff on Plaintiff's unfair competition claims. In the alternative, Defendants respectfully request the Court dismiss Defendants Steven Miltenberger and Sondra Miltenberger from this action because they are not proper defendants to the unfair competition counts. Defendants further respectfully request any additional relief the Court deems just and proper.

Dated: April 4, 2025

Respectfully submitted,

GRAVES GARRETT GREIM LLC

By: /s/ J. Aaron Craig
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**Attorneys for Defendants Torch Electronics,
LLC, Steven Miltenberger, and Sondra
Miltenberger**

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2025, I caused the foregoing was filed with the Court's electronic CM/ECF filing system, which automatically served counsel for Plaintiff TNT Amusements, Inc., d/b/a Play-Mor Coin-Op with a notice of filing the same.

/s/ J. Aaron Craig

Attorney for Defendants Torch
Electronics, LLC, Steven Miltenberger, and
Sondra Miltenberger